IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 18517 of 1995

Between:

East India Fisheries Private Limited,

29, Kirlampudi Layout, Visakhapatnam.

rep. by its Managing Director, Sri P.S.Rai,

..... PETITIONER

AND

1 Agricultural Market Committee, rep. by its Secretary, Visakhapatnam.
2 Agricultural Market Committee, rep. by its Special Grade

Secretary, Vijayawada, Krishna Dist.
3 Agricultural Market Committee, rep. by its Special Grade

Secretary, Tanguturu, Prakasam Dist.
4 Agricultural Market Committee, rep. by its Special Grade

Secretary, Martur, Santhamangalur, Prakasam Dist.
5 Agricultural Market Committee, rep. by its Special Grade

Secretary, Nellore, Nellore Dist.
6 Agricultural Market Committee, rep. by its Special Grade

Secretary, Naidupeta, Nellore Dist.
7 Agricultural Market Committee, rep. by its Special Grade

Secretary, Medarmetla, Addanki, Prakasam Dist.

8 Agricultural Market Committee, rep. by its Special Grade

Secretary, Ravulapalem, Kothapeta, E.G.Dist.
9 Agricultural Market Committee, rep. by its Special Grade

Secretary, Eluru, W.G.Dist.
10 Agricultural Market Committee, rep. by its Special Grade

Secretary, Kavali, Nellore Dist.
11 Agricultural Market Committee, rep. by its Special Grade

Secretary, Ambajipeta, E.G.Dist.
12 Agricultural Market Committee, rep. by its Special Grade

Secretary, Guntur, Guntur Dist.
13 Agricultural Market Committee, rep. by its Special Grade

Secretary, Mangalagiri, Guntur Dist.
14 Agricultural Market Committee, rep. by its Special Grade

Secretary, Chilakamipeta, Guntur Dist.
15 Agricultural Market Committee, rep. by its Special Grade

Secretary, Singarayakonda, Kandukur, Prakasam Dist.
16 Agricultural Market Committee, rep. by its Special Grade

Secretary, Anakapalli, Vizag Dist
17 Agricultural Market Committee, rep. by its Special Grade

Secretary, Yellamanchili, Vizag Dist
18 Agricultural Market Committee, rep. by its Special Grade

Secretary, Narsipatnam, Vizag Dist
19 Agricultural Market Committee, rep. by its Special Grade

Secretary, Visakhapatnam, Vizag Dist
20 Agricultural Market Committee, rep. by its Special Grade

Secretary, Tuni, East Godavari Dist.
21 Agricultural Market Committee, rep. by its Special Grade

Secretary, Rajahmundry, E.G.Dist.
22 Agricultural Market Committee, rep. by its Special Grade

Secretary, Pithapuram, E.G.Dist.
23 Agricultural Market Committee, rep. by its Special Grade

Secretary, Ramachandrapuram, E.G.Dist.
24 Agricultural Market Committee, rep. by its Special Grade

Secretary, Mandapeta, E.G.Dist.
25 Agricultural Market Committee, rep. by its Special Grade

Secretary, Tadepalligudem, W.G.Dist.
26 Agricultural Market Committee, rep. by its Special Grade

Secretary, Kovvuru, W.G.Dist.
27 Agricultural Market Committee, rep. by its Special Grade

Secretary, Tanuku, W.G.Dist.
28 Agricultural Market Committee, rep. by its Special Grade

Secretary, Kaikalur, Krishna dist.
29 Agricultural Market Committee, rep. by its Special Grade

Secretary, Vuyyuru, Krishna dist.
30 Agricultural Market Committee, rep. by its Special Grade

Secretary, Bapatla, Guntur Dist.
31 Agricultural Market Committee, rep. by its Special Grade

Secretary, Chirala, Prakasam Dist.
32 Agricultural Market Committee, rep. by its Special Grade

Secretary, Tada, Prakasam Dist.
33 Agricultural Market Committee, rep. by its Special Grade

Secretary, Ongole, Prakasam Dist.
34 Agricultural Market Committee, rep. by its Special Grade

Secretary, Vizianagaram, Vizianagaram Dist.
35 Agricultural Market Committee, rep. by its Special Grade

Secretary, Srikakulam, Srikakulam Dist.
36 Agricultural Market Committee, rep. by its Special Grade

Secretary, Palacole, W.G.Dist.
37 Agricultural Market Committee, rep. by its Special Grade

Secretary, Bhimavaram, W.G.Dist.
38 Agricultural Market Committee, rep. by its Special Grade

Secretary, Bheemunipatnam (Bhimili), Vizag Dist.
39 Agricultural Market Committee, rep. by its Special Grade

Secretary, Repalle, Guntur Dist.
40 Agricultural Market Committee, rep. by its Special Grade

Secretary, Machilipatnam, Krishna Dist.
41 Agricultural Market Committee, rep. by its Special Grade

Secretary, Nagayalanka, Krishna Dist.
42 Agricultural Market Committee, rep. by its Special Grade

Secretary, Kothapeta, E.G.Dist.
43 Agricultural Market Committee, rep. by its Special Grade

Secretary, Amalapuram, E.G.Dist.
44 Govt., of A.P., rep. by its Secretary, Food and Agriculture Dept., Secretariat, Hyderabad.
45 Govt., of India, rep. by the Secretary, Industries Dept., Central Secretariat, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring that the Andhra Pradesh (Agricultural Produce and Live Stock) Market Act, 1966, has no application to the prawn trade and accordingly declare that the petitioner is not liable to pay licence fee and market fee and interdict the respondents from taking any action against the petitioner under the said Act.

Counsel for the Petitioner: MR. M.V.K.VISWANADHAM

Counsel for Respondents 1 to 43: MR. POSANI VENKATESWARLU (STANDING COUNSEL FOR AGRICULTURAL MARKETING COMMITTEES)

Counsel for Respondents 44 and 45: CENTRAL GOVERNMENT STANDING COUNSEL

The Court made the following:

ORDER:

The writ petition is filed seeking to declare that Andhra Pradesh (Agricultural Produce and Livestock) Market Act, 1966 (for short "the Act") has no application to the prawn trade and to declare that the petitioner is not liable to pay licence fee and market fee and to interdict the respondents from taking any action against the petitioner under the said Act.

When the matter came up today, the learned counsel for the petitioner submitted that the subject matter involved in this writ petition fell for consideration before the Apex Court in **I.T.C. Ltd., Vs. Person Incharge, Agricultural Market Committee, Kakinada and others**, wherein it was held that Market Committee is empowered to levy fees on the prawns under Section 12 of the A.P. (Agricultural Produce & Livestock) Markets Act (16 of 1966).

Under the circumstances, following the said judgment, the writ petition is also dismissed for the same and similar reasons. No costs.

N.V.RAMANA, J

Dated: 10th September, 2004.

Svv/Ak

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Secretary, Agricultural Market Committee, Visakhapatnam.

2.The Special Grade Secretary, Agricultural Market Committee,

Vijayawada, Krishna District.

3.The Special Grade Secretary, Agricultural Market Committee,

Tanguturu, Prakasam District.

4.The Special Grade Secretary, Agricultural Market Committee,

Martur, Santhamangalur, Prakasam District.

5.The Special Grade Secretary, Agricultural Market Committee,

Nellore, Nellore District.

6.The Special Grade Secretary, Agricultural Market Committee,

Naidupeta, Nellore District.

7.The Special Grade Secretary, Agricultural Market Committee,

Medarmetla, Addanki, Prakasam District.

8.The Special Grade Secretary, Agricultural Market Committee,

Ravulapalem, Kothapeta, East Godavari District.

9.The Special Grade Secretary, Agricultural Market Committee,

Eluru, West Godavari District.

10.The Special Grade Secretary, Agricultural Market Committee,

Kavali, Nellore District.

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44.The Secretary, Food and Agriculture Department, Government

of Andhra Pradesh, Secretariat, Hyderabad.

45.The Secretary, Industries Department, Government of India,

Central Secretariat, New Delhi.

46.Two CD copies.

(For Sl.Nos.1 to 45, along with copy of order in C.A.No.5321 of 1997 and batch, dated 30-1-2004).